

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, October 11, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission** (NONE)
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing**
 - a Class IV Zoning Permit Z-IV-2016-18 and Use Permit U-2016-15 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the northern side of Poipu Road in Poipu, approx. 250 ft. north of the Kipuka Street/Poipu Road intersection and further identified as 2375 Kipuka Street, Tax Map Key 2-8-023:040, and containing a total area of 10,570 sq. ft. = ***Rebecca Smith-Magdalen***. [Director's Report received 7/12/16, hearing postponed 7/26/16.]

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2016-19 and Use Permit U-2016-16 to permit the construction and use of three (3) farm worker housing units total over two separate parcels located in Kapaa Homesteads, one parcel situated approx. 0.75 mile east of the Hauiki Road/Waipouli Road intersection identified as 5971 Waipouli Road, and the other parcel located along the mauka side of Oloheua Road situated approx. 0.5 mile northeast of the Kamalu Road/Oloheua Road intersection identified as 5730 Oloheua Road, Tax Map Keys 4-4-003:045 and 048, and affecting a total area of approx. 8 acres = *Steelgrass Farm, LLC*. [Director's Report received by Commission Clerk 9/27/16.]

1. Memorandum (10/4/16) from Michael Dahilig, Clerk of the Commission to Sean Mahoney, Chairperson and members of the Planning Commission relating to the Application for the Proposed Farm Worker Housing Units, Class IV Zoning Permit Z-IV-2016-19 and Use Permit U-2016-16, Tax Map Key 4-4-003:045, 048.

3. Continued Public Hearing (NONE)

4. New Public Hearing (NONE)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 10/25/16, (NONE)

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(4), the purpose of this executive session for the Planning Commission is to consult with the County's legal counsel on questions relating to *Robert D. Ferris Trust v. Planning Commission of the County of Kauai, et al.*, No. CAAP-15-0000581, Appeal from Circuit Court of the Fifth Circuit (Civil No. 12-1-0349). This consultation involves consideration of the Commission's powers, duties, privileges, immunities, and/or liabilities with regard to this agenda item.

I. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the forfeiture of Non-Conforming Use Certificate TVNCU #1368 (*Coco Cabana*), *Carole Theiss*, Tax Map Key (4)58005002 Wainiha, Kauai, filed on 8/25/16, to a Hearings Officer (Contested Case Hearing No. CC-2016-12); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached). (NONE)

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, October 25, 2016.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.